REMARKS

In the Office Action, the Examiner rejected claims 1-22. By this paper, Applicants

hereby amend claims 1, 14, and 17 for clarification of certain features to expedite allowance of

the present application. Theses amendments do not add any new matter. Applicants request

reconsideration of claims 1-22 in view of the following remarks.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 4-13, 17-18 and 20-22 under

U.S.C. § 102(e) as being anticipated by Belanger (U.S. Pub. No. 2002/0059402 A1) ("the

Belanger reference"). Specifically, with regard to the independent claims the Examiner stated:

> As per claims 1 & 17 Belanger discloses a method
> for selectively providing data between networked devices,
> comprising the acts of: storing virtual media resources, a
> plurality of authorized users, and access rights to the virtual
> media resources for each of the plurality of authorized users
> in a remote directory server; [Page 2, paragraph 0030;
> paragraph 0032; paragraph 0034, last 7 lines; paragraph
> 0037; paragraph 0059; paragraph 0061-0063] receiving an
> access request for a desired resource of the virtual media
> resources at the remote directory server via a network;
> [page 4, reference 0054; figure 4, reference 52-58] (a user
> message/request is received at the server) and responding to
> the access request based on the access rights of the
> authorized users by the remote directory server via the
> network. [page 6, paragraph 0061-0062; figure 4, reference
> 60 and paragraph 0063, the last 10 lines.]

Office Action, pages 2-3.

Applicants respectfully traverse the Examiner's rejection. Anticipation under 35

U.S.C. § 102 can be found only if a single reference shows exactly what is claimed. *Titanium*

Metals Corp. v. Banner, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art

reference to anticipate under Section 102, every element of the claimed invention must be

identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed.

Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

On a preliminary note, the Applicants stress that the Examiner's rejections are vague regarding the various claim features and, thus, the Applicants remind the Examiner that:

> When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained in each rejected claim specified.

37 C.F.R. § 1.104(c)2; *see also* M.P.E.P. § 707.07.

Embodiments of the present invention are directed to providing remote directory access to a virtual media representation of a standard physical media (e.g., a computer disk and corresponding software application). *See* Application, page 1, lines 1-7. For example, in accordance with present embodiments, virtual media images of actual physical media resources, such as O/S boot files and software installation disks, are provided in a remote directory server. *See id.* at page 8, lines 14-15. In one embodiment, a remote directory server stores the virtual media images along with access rights of multiple authorized users, such that control is provided over the retrieval of the virtual media images and use of data/programs within the images. *See id.* at page 8, lines 15-18.

The virtual media image may be the expected contents of (i.e., an image of) a floppy diskette, CD-ROM, DVD, tape storage medium, ZIP disk, or the like. *See id.* at page 14, line

19 – page 15, line 10. The target data within the virtual media image may include instructions or code to initiate operation of one or more of the clients (i.e., boot code). *See id.* at page 17, lines 4-13. In this situation, a given one of the clients receiving the virtual media image may execute the boot code to boot the client. *Id.* Alternately, the target data within the virtual media image may include instructions of a software application program. *Id.* In this situation, a given one of the clients receiving virtual media image may initiate or launch the application program. *Id.* Further, the target data within the virtual media image may include data needed by an application program running on one of the clients. *Id.* In this situation, the client receiving the virtual media image may provide the target data to the application program. *Id.*

Amended independent claim 1 recites, *inter alia,* "storing *virtual media resources,* a plurality of authorized users, and access rights to the virtual media resources for each of the plurality of authorized users in a remote directory server, wherein *the virtual media resources include a media image that simulates an actual removable computer disk and instructions disposed thereon.*" (Emphasis added). Amended independent claim 17 recites, *inter alia,* "a database of resources disposed on one of the plurality of devices, wherein the resources comprise a plurality of *virtual media resources* ... wherein *the virtual media resources include a computer simulation that represents instructional content and behavior of an actual removable computer disk.* (Emphasis added).

In contrast to the recitations of the present claims, the Belanger reference merely discloses a "virtual hard drive location in memory." Belanger, page 2, paragraph 0024. That is, Belanger merely teaches a partitioned location in the memory of a server, referred to as a "virtual hard drive," which mimics the storage function (not content, instructions, etc.) of a conventional disk, hard drive, or other storage device normally residing on a personal

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computer on a client side. *See id.* at page 6, paragraph 0061. Indeed, in reference to the virtual hard drive, the Belanger reference describes a server that includes a "dedicated location in memory for storing files and other information." *Id.* at page 2, paragraph 0024. Simply put, the virtual hard drive is a memory location on a server, yet the virtual hard drive does not simulate an actual *removable* computer disk or *instructions* on the disk. *Id.*

Applicants respectfully assert that the Examiner has inappropriately equated the virtual hard drive of the Belanger reference with the presently recited virtual media resources. One of ordinary skill in the art would not equate a partitioned portion of memory on a server with virtual media resources that include "a media image that simulates an actual removable computer disk and instructions disposed thereon" or "a computer simulation that represents instructional content and behavior of an actual removable computer disk," as recited in independent claims 1 and 17, respectively. Accordingly, the Belanger reference fails to anticipate claims 1 and 17 because it does not to teach all of the features recited therein. Furthermore, the Belanger reference fails to anticipate the claims depending from claims 1 and 17 based on their respective dependencies and based on unique matter recited in each dependent claim.

In view of the arguments set forth above, Applicants respectfully request that the Examiner withdraw the rejection of independent claims 1 and 17 and the claims depending therefrom. Further, Applicants respectfully request that the Examiner provide an indication of allowance for independent claims 1 and 17 and the claims depending therefrom.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 2, 3 and 19 under 35 U.S.C. § 103(a) as being

unpatentable over the Belanger reference, in view of Microsoft, Active Directory Overview

("the Microsoft reference"). Further, the Examiner rejected claims 14-16 under 35 U.S.C. §

103(a) as being unpatentable over the Microsoft reference, in view of the Belanger reference.

Specifically, the Examiner stated:

> As per claim 2-3 & 19, Belanger discloses the method of storing virtual media resources on the remote server this eliminates the need for on-site installation and configuration and the server may include dedicate storage for storing application files and other information associated with each users. This dedicated storage creates a virtual hard drive location in the memory for the user, the memory being located on the server, rather than on the user's device. [See Belanger, page 2, paragraph 0024] and Furthermore an access mechanism connected to the server computer for determining access rights to these data files stored in the memory of the server computer. [See page 2, paragraph 0032, last 2 lines – page 3, line 1].
>
> Belanger does not explicitly discloses that the act of stroing comprises the act of forming a hierarchical structure of the access rights for plurality of authorized users and the hierarchical structure comprises the act of creating an organizational tree wherein each node represents at least one of the resources. However, in the same field of endeavor, Microsoft discloses the act of storing comprises the act of forming a hierarchical structure of the access rights for plurality of authorized users and the hierarchical structure comprises the act of creating an organizational tree wherein each node represents at least one of the resources. [Page 3, title "Hierarchal Organization" – page 4; figure 1, 2, & 5, page 7, under the title "Strengthens Security," and page 8].
>
> It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of hierarchical structure access rights and creating an organizational tree as per teachings of Microsoft, in to the method of virtual resources as taught by Belanger, in order to strengthens security. [See Microsoft, page 7, title "Strengthens Security"].
>
> . . .
>
> As per claims 14-16 Microsoft discloses a method for selectively providing data between networked devices,

comprising the acts of: forming a hierarchical user access tree comprising at least one relationship branch having a plurality of nodes at a plurality of levels ranked with respect to one another; [Page 3, title Hierarchal Organization, Figure 1 & 2] associating a plurality of virtual media resources to the plurality of nodes; [page 4, 1st paragraph; figure 1 & 2] storing access rights of authorized users at each of the plurality of nodes; [page 5, figure 2, & page 5, 1st paragraph] processing an access request for a desired resource of the plurality of virtual media resources by verifying that a requesting user is one of the plurality of authorized users and verifying that the desired resource is within the access rights of the verified requesting user. [Page 7, under the title "Strengthens Security", and page 8; Page 4, last line and figure 5].

Microsoft does not explicitly disclose that the resources are the virtual media resources that can be provided by remote server/remote directory server.

However, in the same field of endeavor, Belanger discloses that receiving an access request for a desired resource of the virtual media resources at the remote directory server via a network; [page 4, reference 0054; figure 4, reference 52-58 & paragraph 0024].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of virtual resources as per teachings of Belanger, in to the method of forming a hierarchical user access tree as taught by Microsoft in order to create a virtual hard drive location in the server rather than on the user's device and access the operating system/remote resources from any user device. [See Belanger paragraph 0023-0024].

Office Action, Pages 4-6.

Applicants respectfully traverse the Examiner's rejection under 35 U.S.C. § 103. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). To establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985). The Examiner must provide *objective evidence*, rather than subjective belief and unknown authority, of the

requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002).

As set forth above, embodiments of the present invention are directed to providing remote directory access to a virtual media representation of a standard physical media. *See* Application, page 1, lines 1-7. The virtual media image may be the expected contents of a floppy diskette, CD-ROM, DVD, tape storage medium, ZIP disk, or the like. *See id.* at page 14, line 19 – page 15, line 10. Target data within the virtual media image may include instructions or code to initiate operation of one or more clients. *See id.* at page 17, lines 4-13. Additionally, target data within the virtual media image may include instructions of a software application program. *Id.* Further, target data within the virtual media image may include data needed by an application program running on one of the clients. *Id.*

Amended independent claim 1 recites, *inter alia*, "storing *virtual media resources*, a plurality of authorized users, and access rights to the virtual media resources for each of the plurality of authorized users in a remote directory server, wherein *the virtual media resources include a media image that simulates an actual removable computer disk and instructions disposed thereon.*" (Emphasis added). Amended independent claim 14 recites, *inter alia*, "associating a plurality of *virtual media resources* to the plurality of nodes, wherein *the virtual media resources include a simulation of an actual content-filled computer disk having instructions.*" (Emphasis added). Amended independent claim 17 recites, *inter alia*, "a database of resources disposed on one of the plurality of devices, wherein the resources comprise a plurality of *virtual media resources* ... wherein *the virtual media resources include a computer simulation that represents instructional content and behavior of an actual removable computer disk.* (Emphasis added).

The Examiner relies on the Belanger reference to teach all of the features of independent claims 1 and 17, from which claims 2, 3, and 19 depend, respectively. However, as discussed above, the Belanger reference does not teach all of the elements of the presently amended independent claims. Additionally, the Microsoft reference does not remedy the deficiencies of the Belanger reference. Indeed, the Examiner merely cited the Microsoft reference for an alleged teaching relating to forming hierarchical data structures. *See* Office Action, pages 5-6. Accordingly, Applicants respectfully assert that a *prima facie* case of obviousness has not been presented with respect to the claims depending from independent claims 1 and 17.

Additionally, the Examiner relied on the Microsoft reference in view of the Belanger reference to teach all of the features of independent claim 14. However, the Belanger and Microsoft references, whether considered together or separately, fail to teach all of the features recited in independent claim 14. For example, the Belanger reference fails to teach "associating a plurality of *virtual media resources* to the plurality of nodes, wherein *the virtual media resources include a simulation of an actual content-filled computer disk having instructions.*" (Emphasis added). The Examiner merely points to a virtual hard drive in the Belanger reference as teaching the virtual media resources of claim 14. As discussed in detail above, Applicants assert that the virtual hard drive of Belanger is merely a dedicated memory location in a server, which does not include "a simulation of an actual content-filled computer disk having instructions," as recited in claim 14. Indeed, Applicants assert that one of ordinary skill in the art would not equate the recited virtual media resources with a virtual hard drive. Accordingly, Applicants assert that the Examiner has failed to present a *prima facie* case of obviousness with respect to claim 14 and the claims depending therefrom.
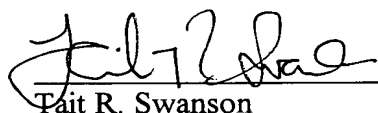
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In view of the arguments presented above, Applicants assert that all of the pending independent claims are allowable in their present form over the cited references. Applicants also assert that all of the claims depending from these claims are patentable both for the subject matter they separately recite, as well as by virtue of their dependency from an allowable base claim. Accordingly, allowance of all pending claims is respectfully requested.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of claims 1-22. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: <u>September 27, 2005</u>

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